

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JESSIE E. R.,¹

Case No. 1:17-cv-01918-AA
ORDER

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

AIKEN, District Judge:

Plaintiff Jessie R. filed a lawsuit challenging the final decision of the Commissioner of Social Security, doc. 1, and the Court reversed the decision of the Commissioner and remanded the action for further proceedings, doc. 20. Plaintiff now moves for an award of fees pursuant to the Equal Access to Justice Act (“EAJA”), which the Commissioner opposes. Docs. 23, 24.

The EAJA authorizes the payment of attorney’s fees to a prevailing party in an action against the United States, unless the government shows that its position in the underlying litigation “was substantially justified” at each stage of the proceedings. 28 U.S.C. § 2412(d)(1)(A); *Williams v. Bowen*, 966 F.2d 1259, 1261 (9th Cir. 1991). A social security claimant is the “prevailing party” following a sentence-

¹ In the interest of privacy, this opinion uses only the first name and the initial of the last name of the non-governmental party in this case. Where applicable, this opinion uses the same designation for a non-governmental party's immediate family member.

four remand pursuant to 42 U.S.C. § 405(g) either for further administrative proceedings or for the calculation of benefits. *Flores v. Shalala*, 49 F.3d 562, 567–68 (9th Cir. 1995) (citing *Shalala v. Schaefer*, 509 U.S. 292, 300 (1993)). If the government’s position is not substantially justified, the court has discretion to determine whether the requested fees are reasonable. *Atkins v. Apfel*, 154 F.3d 986, 989 (9th Cir. 1998).

Having reviewed plaintiff’s motion, the parties’ briefing, and the record in this case, the Court finds that the Commissioner did not meet their burden to show substantial justification; that the requirements for an award of attorney’s fees under the EAJA have been met; and that the fees requested are reasonable. Plaintiff’s Application for Fees Pursuant to EAJA (doc. 22) is GRANTED.

IT IS HEREBY ORDERED that attorney’s fees in the amount of \$6,062.36 are awarded to plaintiff pursuant to the EAJA. Payment of this award shall be made via check payable to plaintiff and mailed to plaintiff’s attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Pursuant to *Astrue v. Ratliff*, the award shall be made payable to plaintiff’s attorneys, HARDER, WELLS, BARON & MANNING, P.C. if the Commissioner confirms that plaintiff owes no debt to the government through the Federal Treasury Offset program.

Dated this 16th day of December 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge